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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,668	06/05/2000	Tao Chen	PA000245	8446

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

SMITH, SHEILA B

ART UNIT PAPER NUMBER

2685

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,668

Applicant(s)

CHEN, TAO

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Kanterakis et al. (U. S. Patent Number 6,324,207).

Regarding claims 1-4, Kanterakis et al. discloses all the claimed invention as set forth in the instant application, further Kanterakis et al. discloses handoff with closed-loop power control. Additionally, Kanterakis et al. discloses in column 20 lines 50-67 and column 21 lines 1-5 a Comparison means, coupled to the monitoring means and to the selecting means, is for comparing the first signal quality to at least one of a predetermined threshold and the second signal quality. The comparison means may compare the first signal quality to both a predetermined threshold and the second signal quality processor means, responsive to the first signal quality falling below any of the predetermined threshold and the second signal quality, or both, initiates handoff to the target-base station and queues data for transmission, which reads on "detecting a quality of a signal received at a base station, instructing the base station to improve the signal quality" and Kanterakis et al. further discloses in column 14 lines 28-31 a pilot channel, and data signal are both spread however the use of the transmitted reference signal is inefficient since the power transmitted in the reference signal means less power is

transmitted in the data bearing signal which read on "instructing the wireless device to decrease a power gain". However Kanterakis et al. fails to specifically disclose the wireless device to increase a pilot channel power level.

Especially in view of the fact that Kanterakis et al. does provide for pilot signal and transmitting power control (TPC) signal into a packet. The packet is outputted from packet formatter, and the packet level is amplified or attenuated by variable gain device as disclosed in column 23 lines 20-30. Further, the method used by Kanterakis et al. in pilot channel more than adequately meet the limitation.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Kanterakis et al. by specifically providing for pilot channel as taught by Kanterakis et al. for the purpose of varying the signal.

Regarding claims 5,6, Kanterakis et al. discloses a first processor (318) configured to detect a quality of signal received at a base station, a second processor (317) coupled to the first processor to instruct the increase a pilot channel as disclosed in column 22 lines 33-40.

Regarding claims 7-9, Kanterakis et al. discloses a processor (76), a storage medium (77), as exhibited in figure 23, and in column 20 lines 50-67 and column 21 lines 1-5 a Comparison means, coupled to the monitoring means and to the selecting means, is for comparing the first signal quality to at least one of a predetermined threshold and the second signal quality. The comparison means may compare the first signal quality to both a predetermined threshold and the second signal quality processor means, responsive to the first signal quality falling below any of the predetermined threshold and the second signal quality, or both, initiates handoff to the target-base station and queues data for transmission, which

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reads on "detecting a quality of a signal received at a base station, instructing the base station to improve the signal quality" and Kanterakis et al. further discloses in column 14 lines 28-31 a pilot channel, and data signal are both spread however the use of the transmitted reference signal is inefficient since the power transmitted in the reference signal means less power is transmitted in the data bearing signal which read on "instructing the wireless device to decrease a power gain". However Kanterakis et al. fails to specifically disclose the wireless device to increase a pilot channel power level.

Especially in view of the fact that Kanterakis et al. does provide for pilot signal and transmitting power control (TPC) signal into a packet. The packet is outputted from packet formatter, and the packet level is amplified or attenuated by variable gain device as disclosed in column 23 lines 20-30. Further, the method used by Kanterakis et al. in pilot channel more than adequately meet the limitation.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Kanterakis et al. by specifically providing for pilot channel as taught by Kanterakis et al. for the purpose of varying the signal.

Citation of Pertinent Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lundby et al. (U. S. Patent Number 6,249,683) discloses forward link power control of multiple data streams transmitted to mobile station using a common power control channel;

Wheatley III. (U. S. Patent Number 5,469,471) discloses method and apparatus for providing a communication link quality indication;

Feeney (U. S. Patent Number 6,144,841) discloses method and system for managing forward link power control with a code division multiple access mobile telephone communication network;

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6306 for regular communications and (703)308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

S. Smith
May 20, 2002



DANIEL HUNTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600